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Letter dated 4 September 2013 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to provide some clarification to the Security Council in order to correct the inaccurate information that has been circulating concerning the commander of the Expanded Joint Verification Mechanism.

The Mechanism, which covers the Great Lakes Region, was established by the International Conference on the Great Lakes Region (ICGLR) in September 2012 to verify all allegations made by States members of the Conference, under the leadership of Brigadier General Geoffrey Muheesi Baraba, a Ugandan national.

Following repeated acts of gross misconduct committed by General Muheesi Baraba during his time in office, the Democratic Republic of the Congo recused him, but did not declare him persona non grata, at a meeting of ministers of defence of the States members of the International Conference on the Great Lakes Region, on the margins of the Summit of Heads of State of the Conference, held in Nairobi on 31 July 2013.

It should be noted that the Mechanism continues to operate normally under the command of a colonel from the Republic of the Congo (Brazzaville). Under his supervision, the Mechanism recently visited Munigi and Goma (Democratic Republic of the Congo), as well as Rwanda, to conduct investigations.

For ease of reference, I wish to refer the Council to the enclosed note, in which the Deputy Prime Minister and Minister of Defence of the Democratic Republic of the Congo, Alexandre Luba Ntambo, presented that recusal to his counterparts (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ignace **Gata Mavita**
Ambassador
Permanent Representative

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Please recycle

Annex to the letter dated 4 September 2013 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Bias of the commander of the Expanded Joint Verification Mechanism

I. Introduction

Since the Expanded Joint Verification Mechanism was established in September 2012, its commander, Brigadier General Geoffrey Muheesi Baraba, a Ugandan national, has continued to commit acts of gross misconduct and to show bias in favour of the 23 March Movement (M23) rebels. This attitude has always been on display at internal Mechanism meetings and at meetings of chiefs of defence staff of the International Conference on the Great Lakes Region, as well as at public meetings involving the Mechanism, M23 and other armed groups.

II. Evidence

(a) On 20 November 2012, at the meeting of chiefs of defence staff of the Conference, held in Kampala, the commander of the Mechanism made the following disparaging remarks:

> "M23 is better organized than the Forces armées de la République démocratique du Congo (FARDC) in terms of military prowess and discipline; 70 per cent of FARDC elements do not qualify as soldiers; the other 30 per cent, who are poorly trained, could be retrained. In the field, the FARDC commanders are very absent-minded and are fixated on Rwanda, which they say they want to attack, even though they are incapable of defeating the armed groups";

(b) When the M23 rebels took control of the town of Goma in November 2012, the commander opted to include a member of the Mechanism representing the Democratic Republic of the Congo in a team assigned to a mission in Kisoro (Uganda) and Bunagana, even though all members had agreed that the Mechanism should focus its efforts on addressing all the activities (pillaging, massacres and rape) carried out by M23. That decision prompted a series of verbal altercations between the commander and a representative of the Democratic Republic of the Congo on the Mechanism;

(c) On 26 November 2012, while M23 was in control of Goma, the commander of the Mechanism praised the M23 commander, Colonel Sultani Makenga, at Hotel Karibu, by saying: "Congratulations! You did a good job." He did so in the presence of other members of the Mechanism, with the exception of the representatives of the Democratic Republic of the Congo. The members were surprised by his remarks. For the commander of the Mechanism, the fall of Goma was a good thing that he welcomed. He had praised Col. Makenga in like manner, but using different language, following the defeat of Mr. Runiga's faction upon the split of M23;

(d) On 25 June 2013, while travelling to the Mai Mai Shetani region, Brig. General Muheesi told a representative of the Democratic Republic of the Congo on the Mechanism that: "Your enemy is not M23, but the Forces démocratiques de libération du Rwanda (FDLR). Attack FDLR first, and M23 would of course lay down its weapons." (Such language is also found in M23's manifesto.)

He also commended the bravery of Innocent Kaina and Yusuf Mboneza, commanders of M23 units deployed along the Kibati-Munigi road, near Goma, noting that they were well versed in guerrilla tactics and that they could defeat any force that attacked M23;

(e) He paid scant attention to the return to Rumangabo of some soldiers from Runiga's faction who had been exiled in Rwanda following their defeat. On the contrary, at a meeting of the Mechanism, held on 24 April 2013, he said: "These are M23 elements whose leader, Bosco Ntaganda, is at The Hague; this return is no surprise because they are Congolese nationals returning home and no verification is warranted." At that time, he had allowed the Rwandan media to show just how far Runiga's fighters were in the Gikongoro region (Rwanda), in an attempt to cover up the situation;

(f) On 26 June 2013, following contacts between the Mechanism and Mai Mai Shetani groups, he said that M23 was a very well-organized movement that could even capture the entire eastern portion of the Democratic Republic of the Congo;

(g) During a visit on 13 July 2013 to the Bundibudjo resettlement site in the Democratic Republic of the Congo, the commander of the Mechanism went so far as to address the leadership of the Uganda People's Defence Forces battalion deployed to secure the borders, in order to encourage Ugandan troops to attack the Forces démocratiques alliées in the territory of the Democratic Republic of the Congo, if the threat comes closer to the border, and to do so even without the consent of the authorities of the Democratic Republic of the Congo;

(h) On 28 July 2013, at a meeting of chiefs of defence staff, held in Nairobi, the commander insinuated that FARDC was collaborating with the Mai Mai Nyatura and that he had never heard of any confrontation between FLDR and FARDC. He also played down the operational capability of FARDC to dislodge M23 from the hills of Kibati;

(i) He showed bias by paying scant attention to and failing to punish Rwandan officers who had demonstrated a lack of discipline by refusing to go on verification missions for inadequate reasons;

(j) Moreover, whenever faced with reprehensible acts committed by Rwanda, such as the unusual and unconventional deployment of Rwanda Defence Force troops close to the border of the Democratic Republic of the Congo — which ultimately amounted to direct support for M23 — Brigadier General Muheesi Baraba has always taken the position that such actions are meant to protect the territorial integrity of Rwanda against the threats of FDLR, even though the areas used by this negative force are controlled by M23. However, he has never regarded the deployment of FARDC forces in Goma and its environs as an effort to protect the territorial integrity of the Democratic Republic of the Congo. Instead, he sees it as a breach of the Declaration of the Heads of State and Government of the International Conference on the Great Lakes Region of 24 November 2012 concerning the deployment of a single battalion in Goma;

(k) On 20 May 2013, the commander said that the verbal threats made by M23 officer Innocent Kaina to take hostage two members of the Mechanism, one representing the Democratic Republic of the Congo and another representing Tanzania, should not be dealt with, but rather covered up and downplayed;

(l) Whenever the Mechanism met with M23 in zones under that group's control, the commander of the Mechanism has always taken time to meet briefly in private with M23 leaders before the meeting with all Mechanism representatives;

(m) He also holds private meetings with Rwandan representatives before the meeting with all members of the Mechanism, whose positions and conclusions have already been made public;

(n) He demonstrated a lack of authority by failing to obtain the release of two reports critical of Rwanda that were being withheld by the Rwandan team out of overzealousness and lack of consideration for other members of the Mechanism. The reports in question were the one pertaining to the pillaging of the town of Goma by M23, and the one concerning the meeting between the Mechanism and Janvier Karairi, head of the Mai Mai group known as the Alliance des patriotes pour un Congo libre et souverain.

III. Conclusion

It is clear from the picture painted above that the Brigadier General engaged in gross misconduct and committed several errors in his leadership of a regional military body of the International Conference on the Great Lakes Region that is supposed to be impartial in order to rebuild mutual trust between States. For that, we recuse him.

(*Signed*) Alexandre **Luba Ntambo**
Deputy Prime Minister and Minister of Defence